

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**GREGORY THOMAS BERRY, *et al.*,**

**Plaintiffs,**

**v.**

**LEXISNEXIS RISK & INFORMATION  
ANALYTICS GROUP, INC., *et al.*,**

**Defendants.**

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**Case No. 3:11CV754**

**(Judge James R. Spencer)**

**SUPPLEMENTAL DECLARATION OF MICHAEL A. CADDELL  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES,  
COSTS, AND CLASS REPRESENTATIVE SERVICE AWARDS**

I, Michael A. Caddell, hereby declare the following:

1. My name is Michael A. Caddell. I am over 21 years of age, of sound mind, capable of executing this Declaration, and have personal knowledge of the facts stated herein, and they are all true and correct.

2. I am one of the attorneys working on behalf of the Plaintiffs and the putative Class in the above-styled litigation, and I am an attorney and principal of the law firm of Caddell & Chapman.

3. On November 22, 2013, I submitted a Declaration in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement and Award of Attorneys' Fees, Costs, and Class Representative Service Awards, (Dkt. 101-1), in which I reported that Caddell & Chapman's lodestar for work performed through November 21, 2013 was \$1,389,682.50 (Dkt. 101-1 ¶ 54.)

4. From November 22, 2013, through the Final Approval hearing held on December 10, 2013, Caddell & Chapman performed additional work to finalize and file the final approval briefs and supporting declarations and to prepare for the hearing. Caddell & Chapman

contemporaneously tracked this time, as is our normal practice, billing all time in increments of one-tenth of an hour. Based on these contemporaneous time records, Caddell & Chapman's lodestar for work performed from November 22 through December 10, 2013 is \$178,702.50. My staff created the following summary chart showing the number of hours spent and the hourly rate billed by each Caddell & Chapman timekeeper:

<b>Individual</b>	<b>Title</b>	<b>Years Experience</b>	<b>Hourly Rate</b>	<b>Total Hours Billed</b>	<b>Total Lodestar</b>
Michael A. Caddell	Senior Partner	34	\$875	93.6	\$81,900
Cynthia B. Chapman	Senior Partner	21	\$675	95.1	\$64,192.50
Craig C. Marchiando	Junior Partner	9	\$425	27.3	\$11,602.50
Amy E. Tabor	Senior Associate	10	\$450	40.5	\$18,225.00
Felicia D. Labbe	Paralegal	15	\$175	15.9	\$2,782.50

5. Including this additional work, Caddell & Chapman's total lodestar for all work performed on behalf of the Class is now \$1,568,385.00. The following is an updated summary listing of each lawyer and legal assistant for which Caddell & Chapman is seeking compensation for legal services in connection with the Settlement:

<b>Individual</b>	<b>Title</b>	<b>Years Experience</b>	<b>Hourly Rate</b>	<b>Total Hours Billed</b>	<b>Total Lodestar</b>
Michael A. Caddell	Senior Partner	34	\$875	728.1	\$637,087.50
Cynthia B. Chapman	Senior Partner	21	\$675	532.9	\$359,707.50
Cory S. Fein	Senior Partner	18	\$650	.5	\$325.00
Craig C. Marchiando	Junior Partner	9	\$425	973.1	\$413,567.50
Richard Daly	Senior Associate	20	\$550	33.5	\$18,425.00

<b>Individual</b>	<b>Title</b>	<b>Years Experience</b>	<b>Hourly Rate</b>	<b>Total Hours Billed</b>	<b>Total Lodestar</b>
Amy E. Tabor	Senior Associate	10	\$450	161.6	\$72,720.00
Brian Keller	Senior Associate	21	\$575	89.9	\$51,692.50
Clayton A. Morton	Junior Associate	7	\$370	.5	\$185.00
Kathy E. Kersh	Paralegal	26	\$250	34.4	\$8,600.00
Sylvia Z. Vargas	Paralegal	28	\$250	5.1	\$1,275.00
John C. Dessalet	Paralegal	20	\$250	3	\$750.00
Felicia D. Labbe	Paralegal	15	\$175	22	\$3,850.00
Andrea Anderson	Paralegal	21	\$250	.8	\$200.00

6. Including this updated lodestar information, Class Counsel's total lodestar is now \$3,528,082.45. (*See* Francis Decl., Dkt. 103-2 ¶ 19; Bennett Decl., Dkt. 103-3 ¶ 37; Pittman Decl., Dkt. 103-4 ¶ 39.) As explained in Plaintiffs' Motion for Attorneys' Fees, 80% of the lodestar incurred through November 21, 2013 was allocated to efforts to achieve injunctive relief. (Dkt. 103 at 13; Caddell Decl., Dkt. 101-1 ¶ 51; Bennett Decl., Dkt. 103-3 ¶ 28; Prof. Miller Decl., Dkt. 103-1 ¶ 28 (finding that the 80% allocation is reasonable and consistent with the relative magnitude of the relief obtained, the relative complexity of the matters at issue, and documents showing that injunctive relief was the "center of gravity" of the parties' settlement discussions).) For the additional lodestar incurred through the December 10, 2013 Final Approval Hearing, 90% of the lodestar was allocated to injunctive relief, because there was only one objection to the monetary relief component of the settlement, (Dkt. 104-5), and defending the injunctive relief agreed in the Settlement was the overwhelming focus of Plaintiffs' preparation for the Final Approval Hearing.

7. Thus, Plaintiffs' total updated lodestar for work performed in connection with the relief secured on behalf of the Injunctive Relief Class through December 10, 2013 is

\$2,840,336.21. Plaintiffs' requested \$5,333,188.21 fee now represents only a 1.88 multiplier on the value of the time spent by counsel on behalf of the Injunctive Relief Class. (*See* Dkt. 103 at 13; Prof. Miller Decl., Dkt. 103-1 ¶¶ 35–40 (opining that a multiplier of 1.99 is reasonable under the circumstances of this case).) We expect that several hundred hours and several hundred thousand dollars worth of additional work will be required, given that appeals are likely, further decreasing the multiplier. (*See* Prof. Miller Decl., Dkt. 103-1 ¶ 35 (noting that the multiplier “will undoubtedly decrease given the work that will be required to complete this matter, including appeals).)

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct.

DATED: February 3, 2014, Houston, Texas.

/s/ Michael A. Caddell  
Michael A. Caddell